City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3003027

Applicant Name: John Koppe for University of Washington

Address of Proposal: 7501 63rd Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Permit for the addition of rooftop equipment on an existing warehouse in a single family zone.

The following approvals are required:

Variance – to allow mechanical equipment to exceed the height limit in a single family zone. (Required: 30' height limit plus 10' for rooftop features Proposed: 59'-6" building plus 12' (32' above the maximum height limit) - SMC 23.44.012.C.4)

Variance – to allow the addition of rooftop features to a nonconforming structure in the single family zone. (Required: no addition Proposed: 12' tall addition - SMC 23.42.112)

SEPA DETERMINATION: [X] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The sprawling subject site is situated along the banks of Lake Washington in Seattle's northeast sector. The site (Sand Point Magnuson Park) is the former Naval Station Puget Sound now under joint ownership with the City of Seattle, University of Washington and the Federal Government. Lake Washington shoreline borders the subject site to the east, Sand Point Way Northeast to the west, between Northeast 65th Street and Northeast 85th Street. The site occupies an area of approximately 350.1 acres of land, with two residential zoning designations (Multi-family Lowrise 3 (L-3) and Single Family 7200 (SF 7200) extending over the entire site. Sand Point Overlay District (SO), Sand Point Park area (SK) and a combined Sand Point Overlay District/Sand Point Park Area (SP) are zoning overlay districts covering a significant portion of Sand Point Magnuson Park. A two hundred foot wide band along the Lake Washington shoreline is regulated by the Seattle Shoreline Master Program. A variety of buildings are located throughout the entire development site. The site slopes gently down from Sand Point Way Northeast, which minimizes the visual impact of the buildings to the west of the right-of-way. Tree and shrub landscaping along the Sand Point Way frontage further reduces the visual impact of the structures within the subject site upon the surrounding neighborhood.

The Sand Point property is divided into six (6) activity areas: (1) the North Shore Recreation area, (2) the Education and Community activities area, (3) the Arts, Culture and Community Center, (4) the Magnuson Park Open Space/Recreation Expansion, (5) the Residential Area, and (6) the Federal Agency Use Area. The specific area of the proposed development (Building 5D) is positioned in the Education and Community Area (Area 2) located within the boundaries of Sand Point Way Northeast, Northeast 74th Street, 63rd Avenue Northeast and Northeast 77th Street. Building 5 is a 660' long large brick building comprised of four distinct bay sections. Bay D (which will be referred to as Building 5D) is a four-story 240'x 300' rectangular warehouse attached to the south end of Building 5. The University of Washington (UW) currently utilizes portions of this building for off-site warehousing of library materials. Building 5D is setback a minimum depth of 150' measured from the Sand Point Northeast right-of-way to the structure's west façade.

West of Building 5D and across Sand Point Way Northeast a narrow zoning band of Neighborhood Commercial 1 (NC1- 40') is located. Abutting this zone to the north is Lowrise 3 Residential Commercial (L-3 R/C), which is roughly half the length of the commercial zone. Commercial activity is currently limited to two retail storefronts and one gas station. Surrounding the commercial strip to the north, south and west is Multi-family Lowrise 3 (L-3) that buffers the lower residential Single Family 5000 (SF 5000) and SF 7200 zones.

Proposal Description

The applicant is seeking a variance to allow the installation of two (2) 1,632 square foot (sq. ft.) HVAC package units (16' wide x 102' long) consisting of chillers, air handlers, desiccant units and associated ductwork all extending from west to east direction. These additions are rectangular in shape and are proposed to be located towards the middle portion of the roof; placed along opposite (northern and southern) sides of the existing elevator/stair penthouses.

The total of height of the mechanical units is proposed to not exceed 12' above the building roof. This proposal is part of a planned effort by the University of Washington (UW) to convert the third floor of the remote shelving facility (Building 5D) to create a high-density storage facility with mobile shelving plus allow for future development of the fourth floor to serve the UW Branch Campus Libraries.

Building 5D is an existing nonconformity in regards to current structure base and special feature height requirements. Per SMC 23.44.012.A, the base permitted height for any structure is 30'. The height of the existing building is approximately 59'-6" above grade to the top of the (12") parapet wall, which is 29'-6" above the base height limit of the zone. Additionally, per SMC 23.44.012.C.4, rooftop features (such as mechanical equipment) may extend up to 10' above the maximum height limit. The existing rooftop features two (2) stair and elevator penthouses-extend to approximately 13'-6" above the subject structure's rooftop parapet wall. The Land Use code does not allow a structure nonconforming to development standards to expand in any manner that increases the extent of the nonconformity or creates additional nonconformity. Therefore, the applicant is seeking variances to allow for the aforementioned rooftop mechanical installations.

Public Comment

The required public comment period ended on December 21, 2005. DPD received six written comments regarding this proposal. The neighbor's objections regarding this proposal focused on the following issues:

- Concerns regarding increased noise impacts to immediate and upland residences.
- Concerns regarding negative impacts to residential property values.
- Concerns and questions regarding the acoustical report analysis.
- Concerns regarding negative visual and view impacts, negative visual impacts.

Also, a meeting was held on January 10th at a neighbor's home to allow for additional discussion/clarification of the proposal. A group of UW representatives attended the meeting and seven (7) neighbors were also in attendance. DPD staff did not attend this meeting. Based on the meeting notes submitted by the applicant, the discussion focused greatly upon future noise concerns. The detailed meeting notes have been added to the project file.

Additional Information

Building 5D has been identified as a contributing building to the Sand Point Historic District that is eligible for listing on the National Register of Historic Places. *The Sand Point Historic Properties Reuse and Protection Plan* document contains specific actions that one must do when proposing exterior alterations to a historic resource. The applicant in consultation with the UW received preliminary approval of the proposed design from the Historic Preservation Consultant (HPC) to Sand Point (Kimberly Demuth of Entrix) on behalf of the State Historic Preservation Office (SHPO), which oversees development within Sand Point Magnuson Park.

ANALYSIS – VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Land Use code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

One unusual condition applicable to the subject property is that it is nonconforming to current land use code standards. Building 5D is a four-story nonresidential building constructed in the 1930's and located on the grounds of the former Naval Station Puget Sound previously owned by the United States Navy. As such, all development that occurred within the former naval station until the late 1990's fell under the jurisdiction of the United States federal government not the City of Seattle. Federally owned property within the continental United States is deemed sovereign property of the federal government and is outside the jurisdiction of local governments. Consequently, once UW acquired operation of Building 5D, the building became nonconforming with aspects of the City's established codes-specifically structure base height. The existing structure including 13'-6" stair/elevator penthouse is 72' in height when the maximum allowed height of a nonresidential structure with mechanical rooftop features is 30' in height plus an additional 10' allowed for mechanical equipment. The subject building's height is a preexisting condition not created by the current owners.

A second unusual condition applicable to the subject site is that it is situated in a historic district. The *Sand Point/Magnuson Park Design Guidelines Manual* identifies the following architectural guidelines for Building 5D:

- Mechanical equipment should not be visible from the pedestrian level.
- Additions to the structure should be as inobtrusive as possible.
- *"Installation of mechanical equipment should be done so that added elements are inconspicuous from public view and do not obscure, interfere with, or damage any exterior features."*

These guidelines further restrict opportunities as to where the mechanical equipment and associated ductwork could be placed on or near the building.

A Land Use Code complying design would not allow any rooftop mechanical equipment installations on Building 5D. Given the above mentioned site constraints and design constrictions, the request for a variance is sensible. Because of the unusual conditions applicable to the subject property, which were not created by the applicant, the strict application of the Land Use Code would deprive the UW of the rights and privileges enjoyed by other property owners in the same vicinity, zone and similar historic significance. Buildings of similar size near the subject site have been granted the opportunity to install mechanical systems that allow the ability to provide appropriate heat and ventilation to the building and aren't as restricted as to

where the mechanical equipment can be installed on the property. Additionally, DPD has granted a similar variance to install rooftop mechanical equipment for another building (Building 29) on the Sand Point Magnuson Park property.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;

The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The proposed installation of two mechanical units mounted on the rooftop of an existing historically designated building has been designed to minimize visual impacts on the surrounding properties. The total rooftop coverage including the new mechanical additions would be 5%. The maximum height of the HVAC additions will be 12' tall-1'-6" lower than the existing 13'-6" stair/elevator penthouses.

A number of other buildings within Sand Point Magnuson Park are over the allowed height limit of the underlying zone. The vast majority of these buildings have rooftop features extending above the roofline. This pattern of nonconformity is prevalent on the vast development site. Additionally, buildings in the vicinity, within NC1-40 and L-3 R/C zones, located across the Sand Point Way right-of-way are allowed to cover up to 20 to 25% of the roof area depending on the types of rooftop features proposed above their zoned base height limits. The Land Use Code accommodates the addition of rooftop features above the base height limit to ensure life, health and safety standards are satisfied. Common building practices locate air-handling systems on the rooftops to maximize functionality and efficiencies. To allow the proposed variance would not constitute a granting of special privileges inconsistent with the limitation upon other properties in the vicinity and zone.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

Granting the variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property. Per the DPD GIS mapping application, Building 5D is setback approximately 154' from Sand Point Way Northeast and 315' from the closest residential housing across the same right-of-way. Existing affordable housing located within the Sand Point Park boundaries is 524' away from the subject site. Based on the noise information submitted by the applicant and the proximity of this building to residential housing it is expected that no major noise impacts shall occur.

The design and location of the proposed mechanical equipment units was regulated by *The Sand Point Historic Properties Reuse and Protection Plan, (HPRP).* A view analysis was conducted during the HPRP review phase, which limited the potential impact on the historic building from adjacent properties. Additionally, the applicant provided comparisons of computer generated geometric building models to digital photographs at various viewpoints in the surrounding area to study impacts. The proposed height of the mechanical equipment units minimally impacts the

views of the surrounding properties. The scope of this proposed installation of mechanical rooftop features does not constitute a material detriment to the public welfare or is injurious to surrounding properties.

4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;

The literal interpretation and strict application of the applicable provisions and requirements of the Land Use Code, which denies the applicant the ability to expand above the base height limit, would cause undue hardship or practical difficulty. The proposal is based upon interior improvements that include installation of HVAC equipment to an existing historically designated building. The Code allows for the continuation of existing nonconformity but prohibits any expansion that increases the extent of nonconformity.

Additionally, the applicant is further constrained by the requirements set forth in the *Sand Point/Magnuson Park Design Guidelines*. Per the applicant, a number of alternative locations and configurations were explored for the placement of the mechanical units, but the impact to the historical character of the building was insurmountable and noise impacts to the surrounding properties would be significantly greater. Ultimately, the proposed design of two (2) rooftop mechanical units was considered by the HPC as "less obtrusive to the structure….and would not obstruct views of the district or damage any existing historical features".

The strict application of the Code would not allow the UW maximum utilization of this off-site storage facility for what original intent-to allow the warehousing of educational resources.

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

The purpose of the Land Use Code is to protect and promote public health, safety, and general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space; conserve the natural environment and historic resources; and maintain a compatible scale within an area. The Code also includes language regarding the purpose and intent for land use and development within the Sand Point Overlay district (SMC 23.72.002).

The University of Washington is seeking two (2) variances that, if granted, would allow the expansion of a legal nonconforming structure. It is the goal of the City to preserve and maintain the physical character of single family residential areas in a way that encourages rehabilitation and provide housing opportunities throughout the city. The applicant has demonstrated that the proposed mechanical rooftop installations do not adversely impact existing uses within or around the development site.

The Code contains many provisions aimed at encouraging the reuse and reconstruction of existing structures. Allowing the installation of two (2) mechanical additions to the rooftop of an existing building in order to maximum utilization of the building for its intended use while maintaining its historical significance is deemed consistent with the spirit of the Land Use Code.

DECISION-VARIANCE (based upon approved plans in the file)

Variance - to allow mechanical equipment to exceed the height limit in the single family zone. (Required: 10' above the maximum height limit Proposed: 32' above the maximum height limit - SMC 23.44.012.C.4) is **GRANTED**.

Variance - to allow the addition of rooftop features to a nonconforming structure in the single family zone. (Required: none Proposed: 12' tall addition - SMC 23.42.112) is **GRANTED**.

CONDITIONS-VARIANCE

None.

Signature: (signature on file) Date: May 22, 2006
Tamara Garrett, Land Use Planner
Department of Planning and Development

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